IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.10788-M of 2007
Date of Decision:- 26.04.2007

Kulwinder Singh ....Petitioner(s)

through
Mr.B.S.Rana, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on regular bail in F.I.R.No.60 dated 2.5.2005 under Sections 302/148/149 IPC registered at Police Station Dhariwal, District Gurdaspur.

As per the allegations contained in the F.I.R., the grandson of the complainant, namely, Rajwinder Singh @ Raju was going towards the village and when he reached near motor of Mela Singh son of Santa Singh, various persons armed with deadly weapons like Datar, Toki, Kirpan etc. surrounded the complainant's grandson and attacked him. The petitioner Kulwinder Singh who was allegedly armed with a Datar, too caused injuries on the fingers of right hand of the grandson of the complainant, who is alleged to have succumbed at the spot to the multiple injuries.

It appears that the version of the complainant was seriously

disputed which led to more than one fact finding enquiries including the one conducted by the Superintendent of Police, Crime Branch, Punjab. The enquiry report, a copy of which has been placed on record, indicates that the deceased was found misbehaving with a girl, namely, Renu, daughter of Harvinder Masih and a mob consisting of so many villagers attacked him at the spot as a result of which he (the grandson of the complainant) died.

The antecedents of the deceased have also been highlighted by learned counsel for the petitioner, as according to him, there were four criminal cases registered against the deceased and proceedings to incorporate his name in Register No.10 in the Police Station concerned, had also been initiated.

The petitioner is in custody since 5.5.2005. The prosecution evidence is yet to start and it proposes to examine 20 witnesses. The conclusion of trial will, thus, take considerably long period.

Undisputedly, the petitioner's co-accused, namely, Hira Singh, Daljit Singh, Gurpreet Singh, Sohan Singh and Sarabjit Singh, to whom also one or the other injury to the deceased was attributed, have already been enlarged on bail by this Court.

After hearing learned counsel for the parties and without expressing any opinion on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Gurdaspur.

April 26, 2007 **(SURYA KANT)**
poonam **JUDGE**